

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**DANNY DYKES, INDIVIDUALLY AND
ON BEHALF OF THE ESTATE AND
WRONGFUL DEATH BENEFICIARIES
OF JAMES A. DYKES, DECEASED**

PLAINTIFFS

V.

CIVIL ACTION NO. 4:15-cv-00076-DMB-JMV

**CLEVELAND NURSING & REHABILITATION
CENTER and JOHN AND JANE DOES I-X**

DEFENDANTS

STIPULATION OF PARTIAL DISMISSAL WITH PREJUDICE

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, and with Defendant's consent, Plaintiffs dismiss the following claims with prejudice:

1. Any claims or alleged damages related to hospitalizations before July 22, 2013;
2. Any claims or alleged damages, including medical bills, related to James Dykes' heel ulcers or amputations;
3. Any claims or alleged damages, including medical bills, related to any fall James Dykes experienced during his residency at Cleveland Nursing & Rehabilitation Center, LLC;
4. Any claims for economic damages related to medical costs or treatment provided and/or hospitalizations other than hospitalizations occurring on or between the following dates of service: May 18-24, 2014; May 31-June 10, 2014; June 14-20, 2014; July 1, 2014; July 6-31, 2014; August 1, 2014; August 5-6, 2014; August 20, 2014; and September 1-3, 2014. Although Plaintiffs may not recover damages for medical costs incurred during hospitalizations not identified in this paragraph, this stipulation does not preclude Plaintiffs from seeking to hold Defendant responsible for pressure sores identified during other hospitalizations.

Respectfully submitted, this 18th day of June, 2018:

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